

Public Chapter 425

HOUSE BILL NO. 32

By Representatives Buck, Pinion, Eckles, John DeBerry, Ulysses Jones

Substituted for: Senate Bill No. 1504

By Senators Crutchfield, Kyle

AN ACT to amend Tennessee Code Annotated, Title 56, Title 63 and Title 68, relative to medical records.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-2-102(a), is amended by deleting the following language:

Such reasonable costs shall not exceed ten dollars (\$10.00) for reports twenty (20) pages or less in length and twenty-five cents (\$.25) per page for each page copied after the first twenty (20) pages.

and substituting instead the following:

For other than records involving workers' compensation cases, such reasonable costs shall not exceed twenty dollars (\$20.00) for medical records forty (40) pages or less in length and twenty-five cents (\$.25) per page for each page copied after the first forty (40) pages and the actual cost of mailing. The costs charged for reproducing records of patients involved in a workers' compensation claim shall be as defined in Tennessee Code Annotated, Section 50-6-204(a)(1).

SECTION 2. Tennessee Code Annotated, Section 63-2-102(c), is amended to add the following at the end of the subsection:

Upon payment of the costs described in this section, the patient or a patient's authorized representative, shall have the right to receive the medical records without delay.

SECTION 3. Tennessee Code Annotated, Section 68-11-304(a)(2), is amended by deleting subdivision (A) in its entirety and by substituting instead the following:

(A)(i) The party requesting the patient's records shall be responsible for the reasonable costs of copying and mailing the patient's records.

(ii) The charges to a patient or a lawyer authorized by the patient to review the patient's records shall not exceed the reasonable costs for handling, copying and the actual costs of mailing the records. The reasonable costs described herein shall not include any costs involved with the maintenance and storage of the records nor shall it include any costs which may be from or

associated with providing the records to any party other than a patient or a lawyer authorized by the patient to review the patient's records.

(iii) The charges for medical records to a patient or a lawyer authorized by the patient to review the patient's records which are equal or less than the following shall be presumed to be reasonable: a retrieval fee of fifteen dollars (\$15.00) which shall include the first five (5) pages of the medical record and a per page charge of seventy-five cents (\$.75) a page for the sixth (6th) page up to and including the fiftieth (50th) page; fifty cents (\$.50) a page for the fifty-first (51st) page up to the two hundred fiftieth (250th) page and twenty-five cents (\$.25) a page for all pages thereafter. The provision of this subsection shall have no further force and effect after July 1, 1998.

SECTION 4. The Comptroller of the Treasury for the State of Tennessee is directed to perform a study to determine the actual costs of providing copies of hospital medical records. Such study report shall be presented to the Senate Commerce Labor and Agriculture Committee and the House Judiciary Committee on or before January 1, 1998.

The actual costs described herein shall not include any costs involved with the maintenance and storage of the records nor shall it include any costs which may be from or associated with providing the records to any party other than the patient or lawyer authorized by the patient to review the patient's records.

SECTION 5. The Comptroller of the Treasury for the State of Tennessee is directed to perform a study to determine the actual costs of providing copies of hospital medical records. Such study report shall be presented to the Senate Commerce Labor and Agriculture Committee and the House Judiciary Committee on or before January 1, 1998.

SECTION 6. This act shall take effect July 1, 1997, the public welfare requiring it.